



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 30 2009

AOC
6/23/08

CERTIFIED MAIL RETURN RECEIPT

Occidental Chemical Corporation
and Tierra Solutions, Inc.
Two Tower Center Boulevard, Floor 10
East Brunswick, New Jersey 08816

Attention: Dave Rabbe
Director, Environmental Remediation
Tierra Solutions, Inc.

Re: Diamond Alkali Superfund Site, Lower Passaic River Study Area Removal
Administrative Order on Consent, Index No. CERCLA 02-2008-2020
Bill for Collection No. 2720926S032

Dear Mr. Rabbe:

The United States Environmental Protection Agency (EPA) is charged with responding to the release or threatened release of hazardous substances into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601 *et seq.* EPA has documented the release or threat of release of hazardous substances into the Passaic River Study Area. In response to the release or threatened release of hazardous substances, EPA has spent, and will continue to spend, public funds on actions to investigate and control such releases and threatened releases at the site pursuant to Section 104 of CERCLA.

On June 23, 2008, EPA entered into an Administrative Order on Consent (Order), Index No. CERCLA 02-2008-2020, with Occidental Chemical Corporation (OCC) and Tierra Solutions, Inc. (TSI). Pursuant to Paragraph 51 of this Order, OCC and TSI agreed to reimburse EPA for all Future Response Costs related to this Order incurred by the EPA after the issuance of this Order. This Bill for Collection No. 2720926S032 covers the period from June 23, 2008 through December 31, 2008.

Enclosure A to the Bill for Collection is a narrative statement describing EPA's oversight and response costs. Itemized cost summaries, referred to as Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) reports, are also enclosed with this Bill for your review. Please note that two SCORPIOS reports are enclosed. One SCORPIOS report is enclosed for Operable Unit 02, covering the period of May 1, 2008 through December 31, 2008.

259775



in the amount of \$ 105,706.83. Please note that all removal costs in this billing were paid during the period of June 23, 2008 through December 31, 2008. The SCORPIO\$ report header labels the period as May 1, 2008 through December 31, 2008 to maintain consistency with concurrent work going on at the Site covered under other agreements which are being billed for this time period under separate cover.

The other SCORPIO\$ report enclosed is for Operable Unit 00, covering other billable costs for the period from May 1, 2008 through December 31, 2008. For the purposes of the SCORPIO\$ reports, Operable Unit Three represents the expansion of the CERCLA investigation from the six-mile Passaic River Study Area to the seventeen-mile Lower Passaic River Restoration Project and Operable Unit Four represents the Newark Bay Study Area. During the period from May 1, 2008 through December 31, 2008, Operable Unit 00 Payroll Costs (\$ 4,642.78) and the Indirect Costs associated with those Payroll Costs (\$ 1,454.57) totaling \$ 6,097.35 have been equally apportioned in the amount of \$1,016.23 for each of the following six project segments: 1) the bill for Operable Unit One (#2720926S031), 2) this bill for the Operable Unit Two Occidental Chemical Corporation [OCC]/Tierra Solutions [TSI] Removal (#2720926S032), 3) the Operable Unit Two OCC/TSI Combined Sewer Overflow/Storm Water Overflow Sampling, 4) the Operable Unit Three CPG-lead RI/FS bill (#2720926S034), 5) the Operable Unit Three EPA-lead work, and 6) the bill for Operable Unit Four (#2720926S035). While all OU 00 charges are included in the SCORPIO\$ report for OU 00 that appears in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to the OU 02 removal.

EPA certifies that as of December 31, 2008, it has expended at least \$ 106,723.06 in oversight and response costs relating to the Lower Passaic River Study Area removal during the time period covered by this bill. As per Section XVI of the Order, payment shall be made within thirty (30) days of receipt of this letter into EPA's account at the Federal Reserve Bank via electronic funds transfer ("EFT"). To effect this payment, you should instruct your bank to remit payment in the required amount via EFT using the following information:

- I. Amount of payment: \$ 106,723.06**
- II. EFT to be directed to: Federal Reserve Bank of New York**
- III. ABA Routing Number: 021030004**
- IV. Federal Reserve Bank of New York account number: 68010727**
- V. SWIFT address: FRNYUS33**
- VI. Address: Federal Reserve Bank of New York
33 Liberty Street
New York, NY 10045**
- VII. Field Tag 4200 of the Fedwire message to read: D 68010727 Environmental
Protection Agency**
- VIII. Name of remitter: Occidental Chemical Corporation and Tierra Solutions, Inc.**
- IX. Case number: CERCLA 02-2008-2020**
- X. Site/spill identifier: 96**

To ensure that your payment is properly recorded, you must send an e-mail or a letter, within one week of the EFT, which references the date of the EFT, the payment amount, the name of the Site, the case number, and your name and address to:

Ray Basso, Strategic Integration Manager
Emergency & Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 19th floor
New York, New York 10007-1866
basso.ray@epa.gov

and

Patricia Hick, Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
hick.patricia@epa.gov

and

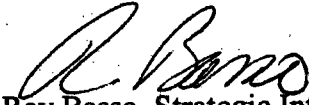
Richard Rice
United States Environmental Protection Agency
26 W. Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, Ohio 45268
rice.richard@epa.gov and AcctsReceivable.CINWD@epa.gov

The United States reserves its right to recover any other unreimbursed costs paid by EPA during the time period covered by this accounting but not included in this bill, and all other oversight and response costs pursuant to the Administrative Order on Consent.

Since 1995, EPA has strived to make administrative changes to the Superfund program to make cleanups faster, fairer and more efficient. Under the Superfund Administrative Reform on improving the management of Potentially Responsible Party (PRP) oversight, EPA has reaffirmed its commitment to conduct appropriate and cost-effective oversight while ensuring protective cleanups, and to send oversight bills to PRPs in a timely manner. We believe that maintaining an open dialogue with PRPs about oversight expectations and PRP performance can improve the efficiency of response actions and minimize the costs of oversight. To that end, we look forward to discussing with you our plans for future oversight and any suggestions you have to effectively streamline the work and its oversight.

If you have any questions regarding this matter, please contact Elizabeth Butler of my staff at (212) 637-4396. Legal inquiries should be directed to Ms. Patricia Hick, of the Office of Regional Counsel, at (212) 637-3137. Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. Basso". The signature is fluid and cursive, with the first name "Ray" and last name "Basso" clearly distinguishable.

Ray Basso, Strategic Integration Manager
Emergency & Remedial Response Division

Enclosures

ENCLOSURE A

Summary of Costs Paid by EPA Diamond Alkali Superfund Site, Newark, New Jersey Operable Unit Two – Lower Passaic River Study Area Removal Site ID: 02 96

**Based on the OU 00 and OU 02 removal
Oversight SCORPIO\$ Reports
Period: June 23, 2008 thru December 31, 2008**

Payroll Costs

The OU02 SCORPIO\$ report includes direct EPA personnel charges for time spent by EPA employees in overseeing work performed under the Administrative Order on Consent (Order), Index No. CERCLA 02-2008-2020 from June 23, 2008 through December 31, 2008 for the OU02 removal action. See also Payroll Costs sections of EPA's Oversight SCORPIO\$ Report for OU02 removal.

\$ 79,048.53 + 915.04 = \$ 79,963.57

Travel Costs

The OU02 SCORPIO\$ report includes charges paid by EPA employees for travel costs in overseeing work performed under the Administrative Order on Consent (Order), Index No. CERCLA 02-2008-2020 from June 23, 2008 through December 31, 2008 for the OU02 removal action. See also Payroll Costs sections of EPA's Oversight SCORPIO\$ Report for OU02 removal.

\$ 525.88

Indirect Costs

Indirect Costs are disbursements which are necessary for the operation of the Superfund Program and the support of Site cleanup efforts but which are not direct Site costs (i.e., not disbursements recorded in individual Superfund site accounts in EPA's Financial Management System). Indirect costs are allocated to particular Superfund sites by means of a methodology established by the EPA Headquarters. See also Indirect Costs section of EPA's Oversight SCORPIO\$ Report for OU02.

\$ 25,217.38

Payroll and associated payroll Indirect Costs from the OU00 SCORPIO\$ Report

Operable Unit 00 Payroll Costs (\$ 4,642.78) and the Indirect Costs associated with those Payroll Costs (\$ 1,454.57) totaling \$ 6,097.35 have been equally apportioned in the amount of \$1,016.23 for each of the following six project segments: 1) the bill for Operable Unit One (#2720926S031), 2) this bill for the Operable Unit Two Occidental Chemical Corporation [OCC]/Tierra Solutions [TSI] Removal (#2720926S032), 3) the Operable Unit Two OCC/TSI Combined Sewer Overflow/Storm Water Overflow Sampling, 4) the Operable Unit Three CPG-lead RI/FS bill (#2720926S034), 5) the Operable Unit Three EPA-lead work, and 6) the bill for Operable Unit Four (#2720926S035). While all OU 00 charges are included in the SCORPIO\$ report for OU 00 that appears in Enclosure B, this Bill for Collection includes only those costs that EPA has apportioned to the OU 02 removal.

(Payroll Costs of \$4,642.78 and associated Indirect Costs of \$1,454.57 divided by 6) **\$1,016.23**

Bill for Collection Amount

\$ 106,723.06